



Sh. Nand Lal, S/o Sh. Paramjit Singh,
VPO Bahawal. Tehsil Balachaur,
Distt. SBS Nagar.

... Appellant

Versus

Public Information Officer,
O/o DEO (EE),
Ludhiana.

First Appellate Authority,
O/o DPI (EE),
Pb, Mohali.

... Respondent

Appeal Case No. 1707 of 2020

Present: None for the Appellant
Smt. Asha Rani, BPEO for the Respondent

ORDER:

The appellant through RTI application dated 04.01.2020 has sought information regarding grants received by Govt Primary School Phabra, Block Mangat-2 Ludhiana during 2016-17, 2017-18, 2018-19 & 2019-20 – cheques issued for payment – statement of account of Mid-day meal, Paswak SMC School Welfare - utilization certificates – a resolution passed for expenditure and other information concerning the office of DEO(EE) Ludhiana. The appellant was not provided the information after which the appellant filed the first appeal before the First Appellate Authority on 11.02.2020 which took no decision on the appeal.

The case last came up for hearing on 01.03.2021 through video conferencing at DAC Ludhiana. The respondent present pleaded that the information (393 pages) has been supplied to the appellant vide letter dated 06.10.2020.

The appellant was absent and vide mail has informed that the information supplied by the PIO vide letter dated 06.10.2020 is incomplete. The appellant also claimed that even after pointing out the discrepancies, the PIO has not removed the discrepancies.

Having gone through the RTI application, the Commission observed that there has been an enormous delay of nine months in providing the information. The PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit.**

The PIO was again directed to remove the discrepancies as pointed out by the appellant and provide the complete information within 15 days of the receipt of this order.

Hearing dated 07.06.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. The respondent present pleaded that the complete information has been provided to the appellant and no further information is available.

The appellant is absent.

The PIO has, however, not sent a reply to the show-cause notice. The PIO is given one last opportunity to file a reply to the show-cause notice for the delay in providing the information on an affidavit, otherwise, it will be presumed that the PIO has nothing to say in the matter and the Commission will act against the PIO as per provisions of RTI Act.

To come up for further hearing on **27.09.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated 07.06.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Rohit Sabharwal,
Kundan Bhawan, 126 Model Gram,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Deptt of Local Govt, Pb
Sector 35, Chandigarh.

First Appellate Authority,
O/o Principal Secretary,
Deptt of Local Govt, Pb
Sector 35, Chandigarh.

...Respondent

Appeal Case No. 1103 of 2020

PRESENT: Ms.Sukhjinder Kaur for the Appellant
Sh.Vikas Kumar, Sr.Assistant for the Respondent

ORDER:

The appellant through the RTI application dated 09.12.2019 has sought information regarding action taken on the letter dated 03.10.2019 issued by Commissioner MC Ludhiana recommending the suspension of Sh.Rahul Kumar, Building Inspector - information showing the reasons for not suspending the said Rahul Kumar – the day-to-day movement of the aforesaid letter and other information concerning the office of Principal Secretary, Department of Local Bodies, Govt of Punjab Chandigarh. The appellant was not satisfied with the reply of the PIO dated 03.01.2020 stating that the matter is under consideration with the Govt. after which the appellant filed the first appeal before the First Appellate Authority on 23.01.2020 which took no decision on the appeal.

The case first came up for hearing on 24.08.2020 through video conferencing at DAC Ludhiana. Due to a network problem, the VC could not take place. The respondent was present and pleaded that the matter is under consideration with the State Govt.

The case was adjourned.

On the date of the last hearing on **01.03.2021**, the representative appeared on behalf of the appellant informed that the appellant has received the information on point-2. However, regarding the information on points 1 & 3, the PIO vide letter dated 26.10.2020 had only informed that a show cause has been issued to Sh. Rahul Kumar on 23.09.2020.

The respondent was absent. Having gone through the RTI application and hearing the appellant, the PIO was directed to provide information in accordance with the RTI application within 15 days. Failure to comply would attract proceedings under section 20 of the RTI Act.

Hearing dated 07.06.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. As per the respondent, the information has already been provided on 26.10.2020.

As per the representative of the appellant, the PIO has not provided the information on points 1 & 3 but has only informed that a charge sheet has been issued to Sh. Rahul Kumar.

The Commission observes that the appellant through his RTI application wants whatever action has been taken on the letter dated 03.10.2019 issued by the Commissioner, MC Ludhiana along with documents generated and all correspondence made/notings on it.

The PIO is directed to provide the complete information and send a compliance report to the Commission.

To come up for further hearing on **27.09.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear through VC at DAC Mohali.

Chandigarh
Dated: 07.06.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Rohit Sabharwal,
Kundan Bhawan, 126 Model Gram,
Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Principal Secretary,
Deptt of Local Govt, Pb
Sector 35, Chandigarh

First Appellate Authority,
O/o Principal Secretary,
Deptt of Local Govt, Pb
Sector 35, Chandigarh

...Respondent

Appeal Case No. 1104 of 2020

PRESENT: Ms.Sukhjinder Kaur for the Appellant
Sh.Vikas Kumar, Sr Assistant for the Respondent

ORDER:

The appellant through RTI application dated 09.12.2019 has sought information regarding action taken on the letter dated 23.07.2019 issued by Commissioner MC Ludhiana recommending the suspension of Sh.Kuljeet Singh, Mangat, Building Inspector - information showing the reasons for not suspending the said Kuljeet Singh Mangat—the day-to-day movement of the aforesaid letter and other information concerning the office of Principal Secretary, Department of Local Bodies, Govt of Punjab Chandigarh. The appellant was not satisfied with the reply of the PIO dated 03.01.2020 stating that the matter is under consideration with the Govt. after which the appellant filed the first appeal before the First Appellate Authority on 23.01.2020 which took no decision on the appeal.

The case first came up for hearing on 24.08.2020 through video conferencing at DAC Ludhiana. Due to a network problem, the VC could not take place. The respondent was present and pleaded that the matter is under consideration with the State Govt

The case was adjourned.

On the date of the last hearing on 01.03.2021, the representative appeared on behalf of the appellant informed that the appellant has received the information on point-2. However, regarding the information on points 1 & 3, the PIO vide letter dated 26.10.2020 has only informed that a show cause has been issued to Sh. Kuljeet Singh on 23.09.2020.

The respondent was absent. Having gone through the RTI application and hearing the appellant, the PIO was directed to provide information in accordance with the RTI application within 15 days. Failure to comply would attract proceedings under section 20 of the RTI Act.

Hearing dated 07.06.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. As per the respondent, the information has already been provided on 26.10.2020.

As per the representative of the appellant, the PIO has not provided the information on points 1 & 3 but has only informed that a charge sheet has been issued to Sh.Kuljeet Singh.

The Commission observes that the appellant through the RTI application wants whatever action has been taken on the letter dated 23.07.2019 issued by the Commissioner, MC Ludhiana along with documents generated and all correspondence, notings, etc on it.

The PIO is directed to provide the complete information and send a compliance report to the Commission.

To come up for further hearing on **27.09.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The PIO to appear through VC at DAC Mohali.

Chandigarh
Dated 07.06.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh. Vishnu Dutt Sharma,
H No-1459, Ward No-8,
Street No-6, Dasmesh Nagar,
Doraha, Ludhiana.

... Appellant

Versus

Public Information Officer,
O/o Secretary to Deptt. of Local Bodies,
Govt of Pb, Municipal Bhawan,
Sector-35, Chandigarh.

First Appellate Authority,
O/o Chief Vigilance Officer,
Deptt of Local Bodies,
Govt of Pb, Municipal Bhawan,
Sector-35, Chandigarh.

...Respondent

Appeal Case No. 1117 of 2020

PRESENT: Sh.Vishnu Dutt Sharma for the Appellant
Sh.Rajiv Saggarr, PIO-CVO and Sh.Harjit Singh, Suptd. O/o Local Govt. for the Respondent

ORDER:

The appellant through RTI application dated 28.09.2019 has sought information regarding a copy of the file of notification No.GSR-4/PA42/1976/571.AMD(ii)2007 dated 01.02.2007 - action was taken on the notification and other information concerning the office of Secretary Department of Local Bodies, Govt of Punjab Chandigarh. The appellant was not provided with the information after which the appellant filed first appeal before the First Appellate Authority on 10.01.2020 which took no decision on the appeal. After filing first appeal, the PIO-Department of Local Govt. Branch-3 sent a reply to the appellant vide letter dated 31.01.2020 stating that the information does not relate to them.

The case first came up for hearing on 24.08.2020 through video conferencing at DAC Ludhiana. Due to network problems, the VC could not take place. The respondent was present and informed that since this notification was issued in the year 2007, the information is not traceable in their record.

The PIO was directed to conduct an enquiry into the matter and submit a complete enquiry report which establishes that the record is missing and the responsibility has been fixed for the person under whose custody the record was found missing.

On the date of the last hearing on **01.03.2021**, both the parties were absent. The case was adjourned.

Hearing dated 07.06.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana/Mohali. As per the respondent present from the office of CVO-Local Bodies, Pb, the information has to be provided by the office of Superintendent O/o Secretary, Local Bodies (LG-1 Branch).

Sh.Harjit Singh, Superintendent-cum-PIO (LG-!) Local Govt. is present and pleaded that due to the record being very old, multiple postings of staff from one branch to the other, and frequent shifting of the office building, it has become impossible to ascertain under whose custody the record went missing and hence no one officer/official can be held responsible for the missing record. The Commission has also received the reply from the PIO through email which has been taken on the file of the Commission.

I am not inclined towards accepting this causal and lazy plea, thus, I am sending this case to the Secretary, Govt of Punjab, Department of Local Bodies with the direction to take appropriate action (as per prescribed procedure), which is required to fix accountability in case a file goes missing from the records. A suitable reply be filed before the next hearing.

To come up for further hearing on **27.09.2021 at 11.00 AM.** through video conference facility available in the office of Deputy Commissioner, Ludhiana. The **PIO to appear through VC at DAC Mohali.**

Chandigarh
Dated 07.06.2021

Sd/-
(Khushwant Singh)
State Information Commissioner



Sh.Jagmohan Singh,
334, G.T Road, Salem Tabri,
Ludhiana.

...Appellant

Versus

Public Information Officer, O/o
Sub Registrar (East), Transport
Nagar, Ludhiana.

First Appellate Authority,
O/o SDM,
Ludhiana(East)

Respondent

Appeal case No.660 of 2019

PRESENT: Sh.Jagmohan Singh for the Appellant
None for the Respondent

ORDER:

This order should be read in continuation to the earlier order.

The case has been earlier heard on 27.03.2019, 22.08.2019, 28.11.2019, 27.01.2020, 24.06.2020, 17.08.2020, 29.09.2020, 10.12.2020 & 01.03.2021.

On the hearing on **24.06.2020**, the respondent present pleaded that the information has already been supplied to the appellant. The appellant was not satisfied. Having gone through the reply and hearing both the parties, the following was concluded:

- Point-1 - The respondent says that the sought information is available on the website of the department and the appellant can get the information from the Sewa Kendra by providing specific vasika numbers. The appellant is directed to get the information from Sewa Kendra by providing particular vasika numbers.
- Point-2 - As per respondent, no separate index for registration of agricultural property is prepared and the information is available on the website. The PIO to provide the link and assist the appellant in getting the information from the website.
- Point-3 - The respondent says that no document is available. The PIO is directed to give this in writing on an affidavit that no such document is available. And If such a letter exists, what action has been taken, And in the persuasion of the letter received from the Govt of Punjab, if any list has been prepared, it be provided.

On the date of the hearing on **17.08.2020**, the appellant claimed that the PIO has not provided the information. The respondent was absent. The PIO was directed to comply with the earlier order of the Commission and provide the information to the appellant within 10 days otherwise the Commission will be constrained to take action against the PIO under section 20 of the RTI Act.

On the date of the hearing on 29.09.2020, the appellant claimed that the PIO has not provided the information.

The respondent was absent nor had complied with the order of the Commission. The PIO was issued a **show-cause notice under Section 20 of the RTI Act 2005 and directed to file a reply on an affidavit**. The PIO was again directed to provide complete information to the appellant within 10 days of the receipt of the order.

On the date of the hearing on 10.12.2020, both the parties were absent. The Commission received a reply of the PIO dated 03.12.2020 which was taken on the file of the Commission. The case was adjourned.

Appeal case No.660 of 2019

On the date of last hearing on **01.03.2021**, both the parties were absent.

Having gone through the reply of the PIO received in the Commission on 07.12.2020, it was observed that the PIO in his reply had mentioned that regarding point-2, no separate index for the agricultural property is prepared. Moreover, the information relates to 3rd party and as such, it cannot be provided under section 8(1)(j) of the RTI Act and that the reply has already been given to the appellant vide letter dated 30.11.2018. Regarding point-3, the PIO had mentioned in his reply that no such list as sought by the appellant is available in their office. The PIO had also given this in writing on an affidavit as per the order of the Commission.

The PIO further mentioned in the reply that the appellant had earlier filed an appeal case No.3845 of 2018 for seeking the same information which was disposed of and closed on 27.06.2019 by Ms.Preety Chawla, State Information Commissioner.

The appellant was absent. Having gone through the reply, the Commission observed that regarding point-2 the PIO has taken two separate and confused pleas- 1) that no separate index for the agricultural property is prepared 2) that the information is 3rd party and is exempt u/s 8(1)(j) of the RTI Act.

The PIO was directed to file a suitable reply whether the denial of information is because no document exists, is third party, or is exempt under section 8(1)(j)?

Hearing dated 07.06.2021:

The case has come up for hearing today through video conferencing at DAC Ludhiana. As per the appellant, the PIO has not supplied the information on point-3 nor has provided the affidavit as per the order of the Commission.

The respondent is absent. A copy of the affidavit received from the PIO in the Commission on 07.12.2020 is being sent along with the order to the appellant.

The case is adjourned. To come up for further hearing on **27.09.2021 at 11.00 AM** through video conference facility available in the office of Deputy Commissioner, Ludhiana.

Chandigarh
Dated:07.06.2021

Sd/-
(Khushwant Singh)
State Information Commissioner